

## REMARKS

This Amendment and Request for Reconsideration (“Amendment”) is in response to the January 26, 2005 Office Action (“Office Action”). Claims 1-17 and 31-39 are pending, claims 18-30 were previously withdrawn from consideration, as non-elected group II.

## CLAIM REJECTIONS

In the Office Action, claim 39 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bush, Jr. et al. (US 3,908,495). Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perini (US 4,329,895) in view of Rood (US 3,764,717) and Win et al. (US 5,667,635). Claims 31-34 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perini (4,329,895) in view of Rood (US 3,764,717). Claims 1-17 and 31-39 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Renard (3,213,731) in view of Bush, Jr. et al. (3,908,495). Applicants respectfully assert that all of the claims comply with 35 U.S.C. § 102(b), 35 U.S.C. § 103(a) and all of the claims are allowable.

### The Claims are Not Anticipated

Claim 39 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bush, Jr. et al. (3,908,495). The Office Action contends that Bush, Jr. et al. disclose a method including placing a log on a conveyor, advancing the conveyor, discharging the log from the conveyor onto a transfer plate, placing the log into a pocket on a cutting support, rotating the pocket containing the log toward, through, and away from a plurality of circular cutting blades, and the pocket supporting the log along the entire length.

The rejection of claim 39 is respectfully traversed, as the applied reference fails to provide each and every element of the claim. Specifically, Bush Jr., et al. fail to disclose a pocket as recited in claim 39 and disclosed at least at page 7, lines 20-25 of the present specification. Bush Jr. et al. disclose “radially projecting arms” as

stated at column 5, line 28. The structural differences between a pocket and arm are clearly illustrated by comparing the drawings of this application with those of Bush, Jr. As shown in Figure 1 of Bush, Jr., arms have substantial two dimensional character and provide contact with the log at intermediate points, such as brackets supporting a shelf. In contrast, pockets provide contact along the length of the log. As shown in Figure 3 of this application, the pocket contacts the log over nearly the entire length, except at spaces provided for the blades to pass. Pockets have three dimensional character and nesting properties, whereas arms have two dimensional character and bracketing properties. Arms provide support via contact at specific points whereas pockets provide support via contact along the length of the log. As such, pockets are structurally different than arms. Pockets are also functionally different than arms. For example, items can be carried in a bag or pocket without falling to the ground. However, items can easily fall to the ground if carried only by one's arms. Arms provide support as distinct points, but simply do not provide the three dimensional nesting and enveloping properties of a pocket. As such, arms are distinct from pockets. Bush, Jr. et al. does disclose, teach or suggest a pocket.

The Bush, Jr. et al. reference does not disclose each and every element of amended claim 39. Accordingly, claim 39 is not anticipated by the cited references, and Applicants request that this rejection be withdrawn.

### **The Claims are Not Obvious**

#### **Perini, Rood, and Win et al.**

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perini (4,329,895) in view of Rood (3,764,717) and Win et al. (5,667,635). The Office Action contends that the method of cutting a plurality of moist substrates of Perini can be combined with the use of the conveyor by Rood. The Office Action further contends that the cutting and conveyor methods of Perini and Rood, respectively can be combined with the wet web of Win to provide the methods as claimed.

The rejection of claims 1-13 is respectfully traversed, as the applied references, alone or in combination, fail to provide each and every element of the claims. Specifically, the references fail to recite a log of moisture content of at least 50% or at least 65% as recited in the following independent claims:

...a wound log of moist substrate.... the log having a length, a width and a moisture content of at least about 50%... [claim 1]

...a coreless wet wipes log ....the log having a length of at least 2540 mm, a diameter of from about 50 mm to about 140 mm and a moisture content of at least 50%...[claim 5]

...a wet wipes log .... the log having a length, a width and a moisture content of at least about 65%...[claim 10]

Neither Perini nor Rood teach or suggest a log with moisture content of at least 50% or at least 65% as recited in independent claims 1, 5, and 10, nor does the Office Action contend that these references teach or suggest such a log. With respect to Win et al., Applicants' respectfully assert that this reference does not disclose a log with moisture content of at least 50% or at least 65% as recited in independent claims 1, 5, and 10. As previously presented in the October 27, 2004 Request for Reconsideration at page 4, paragraph 4:

The only log-shaped item disclosed in Win et al. is a dried basesheet 23 on reel 24 (Figure 1 and col. 4, lines 60-64). The only disclosure of wet wipes having substantial moisture content is at col. 8, lines 6-15, where a stack of individual sheets is manually saturated with a wetting solution. With respect to the Examiner's "Official Notice" that wet wipes having moisture contents of at least 50% and 65% are known, Applicants respectfully point out that this Notice does not provide the missing claim element. Specifically, this Notice does not provide for a wet wipes log or a wound log having the claimed moisture content. In addition, there is no genuine motivation on the record to use the methods of Perini and/or Rood with wet wipes. The conclusory statement in the Office Action that it would be obvious to cut the wipes

disclosed in Win et al. does not meet the standard for providing a suggestion or motivation from the cited references. As noted in MPEP 2143.01, with reference to *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990):

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the **desirability** of the combination. [Bold emphasis added]

The evidence on the record fails to provide a disclosure, teaching or suggestion of each and every element of claims 1-13. Accordingly, a proper *prima facie* case of obviousness has not been presented against these claims, and Applicants request that this rejection be withdrawn.

Applicants respectfully note that January 26, 2005 Office Action did not provide an answer to Applicant's aforementioned argument. Applicants respectfully cite MPEP 707.07(f):

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

Since no answer of substance to the argument presented in the October 27, 2004 Request for Consideration was provided in the January 26, 2005 Office Action, Applicants maintain that a proper *prima facie* case of obviousness has not been presented against these claims. Applicants request that this rejection be withdrawn unless and until a *prima facie* case of obviousness is presented against these claims.

### **Perini and Rood**

Claims 31-34 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perini (4,329,895) in view of Rood (3,764,717). The Office Action contends that the placing of the log from a transfer plate into a pocket on a cutting support, advancing the log containing pocket toward and away from the cutting

blades of Perini can be combined with the advancing of the conveyor and discharging of the conveyor onto a transfer plate of Rood, and that such a combination would provide the method as claimed.

The rejection of claims 31-34 is respectfully traversed, as the applied references are not properly combinable or modifiable because their intended function would be destroyed. Specifically, the references provide for a transfer plate to deliver the substrate to the holding support or pocket. In contrast, claim 31 however, omits the use of a transfer plate in the transfer of the substrate from the conveyor to the holding support. As recited in claim 31, the log is discharged from the conveyor directly into a holding support. The function of Perini and Rood, either alone or in combination, would be destroyed without a transfer plate.

Perini teaches inclined planar chutes for passing feed rolls to a roll holder. (column 1, line 60 to column 2, line 10) As shown in figure 1, the chutes are orientated to deliver the rolls at about a nine o'clock position on the continuous conveyor transporting the roll holders. Without the chute or transfer plate, transfer of the roll to the roll holder would not be possible as taught by Perini, since the roll would merely fall to the ground due to the force of gravity. Applicants also note that loading the roll holders in a more vertical position of the Perini machine is prohibited by the location of the cutting blades. As such, the function of the Perini machine would be destroyed if the transfer plate was eliminated.

Rood also teaches the use of a transfer plate. Specifically, Rood teaches the transfer of vegetables from the feed elevator or conveyor to a feed vibrator. The feed vibrator vibrates and causes the vegetables to fall into the vegetable orientating pockets. (column 2, lines 48-52; column 3, lines 10-17; and figure 1) The feed vibrator transfers vegetables to the vegetable orientating pockets such that 85 to 90 percent of all pockets are filled. (column 6, lines 6-8) Applicants note that the high pocket fill rate can be attributed to the feed vibrator, as random dropping of vegetables into the vegetable pockets would be expected to have a much lower rate of success. As such, the function of the Rood apparatus would be destroyed if the transfer plate was eliminated.

Whereas the Perini and Rood references would not function as intended without the use of the transfer plate, the Perini and Rood references, alone or in combination, do not disclose, teach or suggest the transfer of the substrate from the conveyor to the holding support without the use of a transfer plate of claims 31-34. Accordingly, a *prima facie* case of obviousness over Perini and Rood has not yet been presented against claims 31-34. Applicants respectfully request that the rejection be withdrawn.

**Renard, Bush, Jr. et al., and Win et al.**

Claims 1-17 and 31-39 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Renard (3,213,731) in view of Bush, Jr. et al. (3,908,495) and Win et al. (5,667,635). The Office Action contends that Renard discloses the method of cutting a plurality of moist substrates comprising moving and honing the cutting blade. The Office Action further contends that the method of Renard can be combined with the conveying, metering and discharging of Bush, Jr. and with the wet web of Win et al. and that the combination would provide the method as claimed.

The rejection of the claims over Renard, Bush, Jr. et al., and Win et al. is respectfully traversed as the applied references, alone or in combination, fail to provide each and every element of the claims. Specifically, the references fail to provide a pocket, a log of moisture content of at least 50% or at least 65%, a coreless wet wipes log, a pocket which maintains the shape, integrity and position of the log as it is cut, metering the rate at which the log is discharged from the transfer plate to a pocket, and honing the cutting blade such that the pocket is not contaminated. In addition, there is no genuine suggestion or motivation to combine the methods of the references.

With respect to claims 1-13, as noted previously in this Response, the references fail to recite a log of moisture content of at least 50% or at least 65% as recited in the following independent claims:

...a wound log of moist substrate.... the log having a length, a width and a moisture content of at least about 50%... (claim 1)

...a coreless wet wipes log ....the log having a length of at least 2540 mm, a diameter of from about 50 mm to about 140 mm and a moisture content of at least 50%...(claim 5)

...a wet wipes log .... the log having a length, a width and a moisture content of at least about 65%...(claim 10)

Neither Perini nor Rood teach or suggest a log with moisture content of at least 50% or at least 65% as recited in independent claims 1, 5, and 10, nor does the Office Action contend that these references teach or suggest such a log. With respect to Win et al., Applicants' respectfully assert that this reference does not disclose a log with moisture content of at least 50% or at least 65% as recited in independent claims 1, 5, and 10. As previously presented in the October 27, 2004 Request for Reconsideration at page 4, paragraph 4:

The only log-shaped item disclosed in Win et al. is a dried basesheet 23 on reel 24 (Figure 1 and col. 4, lines 60-64). The only disclosure of wet wipes having substantial moisture content is at col. 8, lines 6-15, where a stack of individual sheets is manually saturated with a wetting solution. With respect to the Examiner's "Official Notice" that wet wipes having moisture contents of at least 50% and 65% are known, Applicants respectfully point out that this Notice does not provide the missing claim element. Specifically, this Notice does not provide for a wet wipes log or a wound log having the claimed moisture content. In addition, there is no genuine motivation on the record to use the methods of Perini and/or Rood with wet wipes. The conclusory statement in the Office Action that it would be obvious to cut the wipes disclosed in Win et al. does not meet the standard for providing a suggestion or motivation from the cited references. As noted in MPEP 2143.01, with reference to *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990):

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the **desirability** of the combination. [Bold emphasis added]

The evidence on the record fails to provide a disclosure, teaching or suggestion of each and every element of claims 1-13. Accordingly, a proper *prima facie* case of obviousness has not been presented against these claims, and Applicants request that this rejection be withdrawn.

With respect to claims 1-9, 14-17, and 35-39, the references fail to disclose a pocket as recited in independent claims 1, 5, 14, 13, and 39, and disclosed at least at page 7, lines 20-25 of the present specification. As stated above, Bush Jr. et al. disclose "radially projecting arms" as stated at column 5, line 28. The structural differences between a pocket and arm are clearly illustrated by comparing the drawings of this application with those of Bush, Jr. As shown in Figure 1 of Bush, Jr., arms have substantial two dimensional character and provide contact with the log at intermediate points, such as brackets supporting a shelf. In contrast, pockets provide contact along the length of the log. As shown in Figure 3 of this application, the pocket contacts the log over nearly the entire length, except at spaces provided for the blades to pass. Pockets have three dimensional character and nesting properties, whereas arms have two dimensional character and bracketing properties. Arms provide support via contact at specific points whereas pockets provide support via contact along the length of the log. As such, pockets are structurally different than arms. Pockets are also functionally different than arms. For example, items can be carried in a bag or pocket without falling to the ground. However, items can easily fall to the ground if carried only by one's arms. Arms provide support as distinct points, but simply do not provide the three dimensional nesting and enveloping properties of a pocket. As such, arms are distinct from pockets. Bush, Jr. et al. does disclose, teach or suggest a pocket.

Renard and Win et al. do not disclose, teach or suggest, nor has the Office Action asserted that Renard and Win et al. disclose, teach or suggest, a pocket.

Accordingly, a *prima facie* case of obviousness over Renard, Bush, Jr. et al. and Win et al. has not been presented against claim 1-9, 14-17, and 35-39. Applicants request that this rejection be withdrawn.

With respect to claims 5-9, the references fail to provide a coreless wet wipes log and a pocket which maintains the shape, integrity and position of the log as it is cut.

Independent claim 5 recites cutting a coreless wet wipes log and a pocket which maintains the shape, integrity and position of the log as it is cut. In contrast, none of the cited references disclose coreless wet wipes logs or a pocket which maintains the shape, integrity and position of the log as it is cut. Bush, Jr. et al. discloses a log processing machine for processing logs such as those formed by removing the limbs and top from a tree. As such, Bush, Jr. et al. does not disclose coreless wet wipes.

Renard discloses an apparatus for cutting paper logs such as toilet tissue. However, toilet tissue has a cardboard core which is in contrast to the coreless wet wipe logs of this application. Win et al., for the reasons presented above, does not disclose a wet wipes log and thus does not disclose a coreless wet wipes log. As such, neither Bush, Jr., Renard, or Wind disclose, teach, or suggest a coreless wet wipes log.

In addition, none of the references provide for a pocket which maintains the shape, integrity and position of the log as it is cut. The apparatus of both Bush, Jr. et al. and Renard are designed for handling rigid and non-flexible logs such as tree logs and cored toilet tissue logs. For example, the log processing machine of Bush, Jr. et al. contains a plurality of radially projecting arms. (column 5, lines 27-28) Although clearance is provided between a pair of arms for the cutting blades to pass, a larger gap is provided between each pair of arms as shown in Figure 1. Although this type of support may be adequate for a rigid tree log, a coreless wet wipes log would sag between in the gap between the pairs of arms, and thus not maintain its shape, integrity and position of the log as it is cut.

Renard discloses a trough which supports a cored log. However, in order to cut the log into a plurality of rolls, Renard teaches advancing the log axially along the pocket. Although, a cored log may retain its shape as it is pushed axially along the pocket, a coreless wet wipes log which has properties of flexibility and non-rigidity would bunch and bind if transported axially. As such, the Renard trough does not teach a pocket which maintains the shape, integrity and position of the coreless wet wipes log as it is cut.

Win et al. does not disclose, teach or suggest, nor has the Office Action asserted that Win et al. discloses, teaches or suggests, a pocket which maintains the shape, integrity and position of the coreless wet wipes log as it is cut. Accordingly, a *prima facie* case of obviousness over Renard, Bush, Jr. et al. and Win et al. has not been presented against claim 5-9. Applicants request that this rejection be withdrawn.

With respect to claims 10-13 and 31-34, the references fail to disclose, teach, or suggest transfer of the log from the conveyor without the use of a transfer plate. As recited in independent claims 10 and 31, the log is discharged from the conveyor directly into a holding support. In contrast, Bush, Jr. discloses a conveyor, a movable ramp section, a ramp mean, and rotary log feed means in series. "The ramp means 35 is inclined downwardly as shown in FIG. 1 and terminates adjacent a plurality of rotary log feed means 36." (column 5, lines 24-27). As such, the ramp means serves to guide the log into the pocket. The configuration of the Bush, Jr. apparatus is such that elimination of the ramp means or transfer plate would not allow the log to be received into the rotary log feed means. As shown in figure 7 of Bush, Jr., the log is received by radially projecting arms of the rotary log feed means when the arm is at a six o'clock position. As such, a transfer plate is required to guide the log into the pocket of the radially projecting arm. The function of the Bush, Jr. apparatus would be destroyed without a transfer plate.

Renard and Win et al. do not disclose, teach or suggest, nor has the Office Action asserted that Renard and Win et al. disclose, teach or suggest, transfer of the log from the conveyor to a holding pocket without the use of a transfer plate.

Accordingly, a *prima facie* case of obviousness over Renard, Bush, Jr. et al. and Win et al. has not been presented against claim 10-13 and 31-34. Applicants request that this rejection be withdrawn.

With respect to claims 14-17 and 35-38, the references fail to disclose, teach or suggest metering the rate at which the log is discharged from the transfer plate to a pocket and honing the cutting blades while in the away position, whereby material from the honing does not contaminate the pocket, the log, or the rolls.

Independent claims 14 and 35 each recite “metering from the rate at which the log is discharged from the transfer plate to a pocket[.]” Bush, Jr. et al. disclose metering or indexing from the conveyor to the transfer plate. “[T]he logs will be forced there along by the conveyor chains 114, 115 until they contact the log indexing means 22.” (column 12, lines 14-16) As shown in Figure 7 of Bush, Jr. et al., the log indexing means are before the transfer plate and provide metering from the conveyor to the transfer plate. In contrast, independent claims 14 and 35 recite metering from the transfer plate to a pocket. As such, Bush, Jr. et al. do not disclose, teach or suggest metering from the transfer plate to the pocket. Renard and Win et al. do not disclose, teach or suggest, nor has the Office Action contended that these references disclose, teach or suggest metering from the transfer plate to the pocket. Accordingly, a *prima facie* case of obviousness over Renard, Bush, Jr. et al., and Win et al. has not yet been presented against claims 14-17 and 35-38. Applicants respectfully request that the rejection be withdrawn.

Independent claims 14 and 35 each recite “honing the cutting blades while in the away position, whereby material from the honing does not contaminate the pocket, the log, or the rolls.” In contrast, none of the cited references disclose honing the cutting blade without contaminating the pocket. Renard discloses moving the cutting blades away from the pocket and honing the blade. However, as disclosed by Renard, the orbital position of the mounted saw during sharpening is “about two o’clock” (column 3, lines 27-27). The orbital position of the mounted saw during cutting is “about four o’clock” (column 3, lines 72-74). Since the plane of orbit of the

mounted saw is perpendicular to the trough (see Fig. 8) the two o'clock position is directly above the four o'clock position. As such, if cutting of the log in the trough occurs at four o'clock, then the two o'clock position must also be over the trough. The position of the blade above the trough during sharpening is further supported by the position of jet 135a which provides coolant during sharpening. (column 3 lines 35-36 and Fig. 8) As shown in Figure 8, jet 135a is above and slightly to the left of the trough, and thus, in order to spray coolant at the blade during sharpening, the blade must be located above the trough. As such, the trough can be contaminated by the material from the sharpening process due to the relative location of the blade and trough during sharpening. Renard does not disclose, teach, or suggest honing the cutting blade without contaminating the pocket. Bush, Jr. et al. and Win et al. do not disclose, teach or suggest, nor has the Office Action contended that these references disclose, teach or suggest honing the cutting blade without contaminating the pocket. Accordingly, a *prima facie* case of obviousness over Renard, Bush, Jr. et al., and Win et al. has not yet been presented against claims 14-17 and 35-38. Applicants respectfully request that the rejection be withdrawn.

## CONCLUSION

Applicants believe that currently pending Claims 1-17 and 31-39 are patentable.

Applicants respectfully request that the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned agent for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,



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